

104TH CONGRESS
2D SESSION

S. 1675

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1996

Referred to the Committee on the Judiciary

AN ACT

To provide for the nationwide tracking of convicted sexual predators, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pam Lychner Sexual
5 Offender Tracking and Identification Act of 1996”.

1 **SEC. 2. OFFENDER REGISTRATION.**

2 (a) ESTABLISHMENT OF FBI DATABASE.—Subtitle
3 A of title XVII of the Violent Crime Control and Law En-
4 forcement Act of 1994 (42 U.S.C. 14071) is amended by
5 adding at the end the following new section:

6 **“SEC. 170102. FBI DATABASE.**

7 “(a) DEFINITIONS.—For purposes of this section—

8 “(1) the term ‘FBI’ means the Federal Bureau
9 of Investigation;

10 “(2) the terms ‘criminal offense against a vic-
11 tim who is a minor’, ‘sexually violent offense’, ‘sexu-
12 ally violent predator’, ‘mental abnormality’, and
13 ‘predatory’ have the same meanings as in section
14 170101(a)(3); and

15 “(3) the term ‘minimally sufficient sexual of-
16 fender registration program’ means any State sexual
17 offender registration program that—

18 “(A) requires the registration of each of-
19 fender who is convicted of an offense described
20 in subparagraph (A) or (B) of section
21 170101(a)(1);

22 “(B) requires that all information gathered
23 under such program be transmitted to the FBI
24 in accordance with subsection (g) of this sec-
25 tion;

1 “(C) meets the requirements for verifica-
2 tion under section 170101(b)(3); and

3 “(D) requires that each person who is re-
4 quired to register under subparagraph (A) shall
5 do so for a period of not less than 10 years be-
6 ginning on the date that such person was re-
7 leased from prison or placed on parole, super-
8 vised release, or probation.

9 “(b) ESTABLISHMENT.—The Attorney General shall
10 establish a national database at the Federal Bureau of In-
11 vestigation to track the whereabouts and movement of—

12 “(1) each person who has been convicted of a
13 criminal offense against a victim who is a minor;

14 “(2) each person who has been convicted of a
15 sexually violent offense; and

16 “(3) each person who is a sexually violent pred-
17 ator.

18 “(c) REGISTRATION REQUIREMENT.—Each person
19 described in subsection (b) who resides in a State that
20 has not established a minimally sufficient sexual offender
21 registration program shall register a current address, fin-
22 gerprints of that person, and a current photograph of that
23 person with the FBI for inclusion in the database estab-
24 lished under subsection (b) for the time period specified
25 under subsection (d).

1 “(d) LENGTH OF REGISTRATION.—A person de-
2 scribed in subsection (b) who is required to register under
3 subsection (c) shall, except during ensuing periods of in-
4 carceration, continue to comply with this section—

5 “(1) until 10 years after the date on which the
6 person was released from prison or placed on parole,
7 supervised release, or probation; or

8 “(2) for the life of the person, if that person—

9 “(A) has 2 or more convictions for an of-
10 fense described in subsection (b);

11 “(B) has been convicted of aggravated sex-
12 ual abuse, as defined in section 2241 of title
13 18, United States Code, or in a comparable
14 provision of State law; or

15 “(C) has been determined to be a sexually
16 violent predator.

17 “(e) VERIFICATION.—

18 “(1) PERSONS CONVICTED OF AN OFFENSE
19 AGAINST A MINOR OR A SEXUALLY VIOLENT OF-
20 FENSE.—In the case of a person required to register
21 under subsection (c), the FBI shall, during the pe-
22 riod in which the person is required to register
23 under subsection (d), verify the person’s address in
24 accordance with guidelines that shall be promulgated
25 by the Attorney General. Such guidelines shall en-

1 sure that address verification is accomplished with
2 respect to these individuals and shall require the
3 submission of fingerprints and photographs of the
4 individual.

5 “(2) SEXUALLY VIOLENT PREDATORS.—Para-
6 graph (1) shall apply to a person described in sub-
7 section (b)(3), except that such person must verify
8 the registration once every 90 days after the date of
9 the initial release or commencement of parole of that
10 person.

11 “(f) COMMUNITY NOTIFICATION.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 the FBI may release relevant information concerning
14 a person required to register under subsection (c)
15 that is necessary to protect the public.

16 “(2) IDENTITY OF VICTIM.—In no case shall
17 the FBI release the identity of any victim of an of-
18 fense that requires registration by the offender with
19 the FBI.

20 “(g) NOTIFICATION OF FBI OF CHANGES IN RESI-
21 DENCE.—

22 “(1) ESTABLISHMENT OF NEW RESIDENCE.—
23 For purposes of this section, a person shall be
24 deemed to have established a new residence during

1 any period in which that person resides for not less
2 than 10 days.

3 “(2) PERSONS REQUIRED TO REGISTER WITH
4 THE FBI.—Each establishment of a new residence,
5 including the initial establishment of a residence im-
6 mediately following release from prison, or place-
7 ment on parole, supervised release, or probation, by
8 a person required to register under subsection (c)
9 shall be reported to the FBI not later than 10 days
10 after that person establishes a new residence.

11 “(3) INDIVIDUAL REGISTRATION REQUIRE-
12 MENT.—A person required to register under sub-
13 section (c) or under a minimally sufficient offender
14 registration program, including a program estab-
15 lished under section 170101, who changes address to
16 a State other than the State in which the person re-
17 sided at the time of the immediately preceding reg-
18 istration shall, not later than 10 days after that per-
19 son establishes a new residence, register a current
20 address, fingerprints, and photograph of that per-
21 son, for inclusion in the appropriate database,
22 with—

23 “(A) the FBI; and

24 “(B) the State in which the new residence
25 is established.

1 “(4) STATE REGISTRATION REQUIREMENT.—
2 Any time any State agency in a State with a mini-
3 mally sufficient sexual offender registration pro-
4 gram, including a program established under section
5 170101, is notified of a change of address by a per-
6 son required to register under such program within
7 or outside of such State, the State shall notify—

8 “(A) the law enforcement officials of the
9 jurisdiction to which, and the jurisdiction from
10 which, the person has relocated; and

11 “(B) the FBI.

12 “(5) VERIFICATION.—

13 “(A) NOTIFICATION OF LOCAL LAW EN-
14 FORCEMENT OFFICIALS.—The FBI shall ensure
15 that State and local law enforcement officials of
16 the jurisdiction from which, and the State and
17 local law enforcement officials of the jurisdic-
18 tion to which, a person required to register
19 under subsection (c) relocates are notified of
20 the new residence of such person.

21 “(B) NOTIFICATION OF FBI.—A State
22 agency receiving notification under this sub-
23 section shall notify the FBI of the new resi-
24 dence of the offender.

25 “(C) VERIFICATION.—

1 “(i) STATE AGENCIES.—If a State
2 agency cannot verify the address of or lo-
3 cate a person required to register with a
4 minimally sufficient sexual offender reg-
5 istration program, including a program es-
6 tablished under section 170101, the State
7 shall immediately notify the FBI.

8 “(ii) FBI.—If the FBI cannot verify
9 the address of or locate a person required
10 to register under subsection (c) or if the
11 FBI receives notification from a State
12 under clause (i), the FBI shall—

13 “(I) classify the person as being
14 in violation of the registration require-
15 ments of the national database; and

16 “(II) add the name of the person
17 to the National Crime Information
18 Center Wanted person file and create
19 a wanted persons record: *Provided,*
20 That an arrest warrant which meets
21 the requirements for entry into the
22 file is issued in connection with the
23 violation.

24 “(h) FINGERPRINTS.—

1 “(1) FBI REGISTRATION.—For each person re-
2 quired to register under subsection (c), fingerprints
3 shall be obtained and verified by the FBI or a local
4 law enforcement official pursuant to regulations is-
5 sued by the Attorney General.

6 “(2) STATE REGISTRATION SYSTEMS.—In a
7 State that has a minimally sufficient sexual offender
8 registration program, including a program estab-
9 lished under section 170101, fingerprints required to
10 be registered with the FBI under this section shall
11 be obtained and verified in accordance with State re-
12 quirements. The State agency responsible for reg-
13 istration shall ensure that the fingerprints and all
14 other information required to be registered is reg-
15 istered with the FBI.

16 “(i) PENALTY.—A person required to register under
17 paragraph (1), (2), or (3) of subsection (g) who knowingly
18 fails to comply with this section shall—

19 “(1) in the case of a first offense—

20 “(A) if the person has been convicted of 1
21 offense described in subsection (b), be fined not
22 more than \$100,000; or

23 “(B) if the person has been convicted of
24 more than 1 offense described in subsection (b),

1 be imprisoned for up to 1 year and fined not
2 more than \$100,000; or

3 “(2) in the case of a second or subsequent of-
4 fense, be imprisoned for up to 10 years and fined
5 not more than \$100,000.

6 “(j) RELEASE OF INFORMATION.—The information
7 collected by the FBI under this section shall be disclosed
8 by the FBI—

9 “(1) to Federal, State, and local criminal jus-
10 tice agencies for—

11 “(A) law enforcement purposes; and

12 “(B) community notification in accordance
13 with section 170101(d)(3); and

14 “(2) to Federal, State, and local governmental
15 agencies responsible for conducting employment-re-
16 lated background checks under section 3 of the Na-
17 tional Child Protection Act of 1993 (42 U.S.C.
18 5119a).”.

19 “(k) NOTIFICATION UPON RELEASE.—Any State not
20 having established a program described in section
21 170102(a)(3) must—

22 “(1) upon release from prison, or placement on
23 parole, supervised release, or probation, notify each
24 offender who is convicted of an offense described in

1 subparagraph (A) or (B) of section 170101(a)(1) of
 2 their duty to register with the FBI; and

3 “(2) notify the FBI of the release of each of-
 4 fender who is convicted of an offense described in
 5 subparagraph (A) or (B) of section 170101(a)(1).”.

6 **SEC. 3. DURATION OF STATE REGISTRATION REQUIRE-**
 7 **MENT.**

8 Section 170101(b)(6) of the Violent Crime Control
 9 and Law Enforcement Act of 1994 (42 U.S.C.
 10 14071(b)(6)) is amended to read as follows:

11 “(6) LENGTH OF REGISTRATION.—A person re-
 12 quired to register under subsection (a)(1) shall con-
 13 tinue to comply with this section, except during en-
 14 suing periods of incarceration, until—

15 “(A) 10 years have elapsed since the per-
 16 son was released from prison or placed on pa-
 17 role, supervised release, or probation; or

18 “(B) for the life of that person if that per-
 19 son—

20 “(i) has 1 or more prior convictions
 21 for an offense described in subsection
 22 (a)(1)(A); or

23 “(ii) has been convicted of an aggra-
 24 vated offense described in subsection
 25 (a)(1)(A); or

1 “(iii) has been determined to be a sex-
2 ually violent predator pursuant to sub-
3 section (a)(2).”.

4 **SEC. 4. STATE BOARDS.**

5 Section 170101(a)(2) of the Violent Crime Control
6 and Law Enforcement Act of 1994 (42 U.S.C.
7 14071(a)(2)) is amended by inserting before the period
8 at the end the following: “, victim rights advocates, and
9 representatives from law enforcement agencies”.

10 **SEC. 5. FINGERPRINTS.**

11 Section 170101 of the Violent Crime Control and
12 Law Enforcement Act of 1994 (42 U.S.C. 14071) is
13 amended by adding at the end the following new sub-
14 section:

15 “(g) FINGERPRINTS.—Each requirement to register
16 under this section shall be deemed to also require the sub-
17 mission of a set of fingerprints of the person required to
18 register, obtained in accordance with regulations pre-
19 scribed by the Attorney General under section
20 170102(h).”.

21 **SEC. 6. VERIFICATION.**

22 Section 170101(b)(3)(A)(iii) of the Violent Crime
23 Control and Law Enforcement Act of 1994 (42 U.S.C.
24 14071(b)(3)(A)(iii)) is amended by adding at the end the

1 following: “The person shall include with the verification
2 form, fingerprints and a photograph of that person.”.

3 **SEC. 7. REGISTRATION INFORMATION.**

4 Section 170101(b)(2) of the Violent Crime Control
5 and Law Enforcement Act of 1994 (42 U.S.C.
6 14071(b)(2)) is amended to read as follows:

7 “(2) TRANSFER OF INFORMATION TO STATE
8 AND THE FBI.—The officer, or in the case of a per-
9 son placed on probation, the court, shall, within 3
10 days after receipt of information described in para-
11 graph (1), forward it to a designated State law en-
12 forcement agency. The State law enforcement agen-
13 cy shall immediately enter the information into the
14 appropriate State Law enforcement record system
15 and notify the appropriate law enforcement agency
16 having jurisdiction where the person expects to re-
17 side. The State law enforcement agency shall also
18 immediately transmit all information described in
19 paragraph (1) to the Federal Bureau of Investiga-
20 tion for inclusion in the FBI database described in
21 section 170102.”.

22 **SEC. 8. IMMUNITY FOR GOOD FAITH CONDUCT.**

23 State and Federal law enforcement agencies, employ-
24 ees of State and Federal law enforcement agencies, and

1 State and Federal officials shall be immune from liability
2 for good faith conduct under section 170102.

3 **SEC. 9. REGULATIONS.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Attorney General shall issue regulations
6 to carry out this Act and the amendments made by this
7 Act.

8 **SEC. 10. EFFECTIVE DATE.**

9 (a) IN GENERAL.—This Act and the amendments
10 made by this Act shall become effective 1 year after the
11 date of enactment of this Act.

12 (b) COMPLIANCE BY STATES.—Each State shall im-
13 plement the amendments made by sections 3, 4, 5, 6, and
14 7 of this Act not later than 3 years after the date of enact-
15 ment of this Act, except that the Attorney General may
16 grant an additional 2 years to a State that is making good
17 faith efforts to implement such amendments.

18 (c) INELIGIBILITY FOR FUNDS.—

19 (1) A State that fails to implement the program
20 as described in section 3, 4, 5, 6, and 7 of this Act
21 shall not receive 10 percent of the funds that would
22 otherwise be allocated to the State under section 506
23 of the Omnibus Crime Control and Safe Streets Act
24 of 1968 (42 U.S.C. 3765).

1 (2) Any funds that are not allocated for failure
2 to comply with section 3, 4, 5, 6, or 7 of this Act
3 shall be reallocated to States that comply with these
4 sections.

5 **SEC. 11. SEVERABILITY.**

6 If any provision of this Act, an amendment made by
7 this Act, or the application of such provision or amend-
8 ment to any person or circumstance is held to be unconsti-
9 tutional, the remainder of this Act, the amendments made
10 by this Act, and the application of the provisions of such
11 to any person or circumstance shall not be affected there-
12 by.

Passed the Senate July 25, 1996.

Attest: KELLY D. JOHNSTON,
Secretary.